

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

PETE JAMES HIGHLUND,

Plaintiff,

v.

Case No. 2:12-cv-392
HON. GORDON J. QUIST

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

REPORT AND RECOMMENDATION

Plaintiff filed this *pro se* complaint seeking judicial review of the decision of the Commissioner of Social Security denying plaintiff benefits. 42 U.S.C. § 405(g). On February 21, 2013, a Notice Directing the Filing of Briefs was issued, requiring plaintiff to file his initial brief by March 29, 2013. On April 26, 2013, plaintiff filed a motion for an extension of time to file his brief. Plaintiff's motion was granted and plaintiff was provided until June 3, 2013, to file his brief. On May 31, 2013, plaintiff sent a letter to this Court requesting assistance as to how to proceed in this case (Docket #15). A letter was sent in response, advising plaintiff that the Court could not give legal advice and that plaintiff may want to consult an attorney. As of this date, plaintiff has filed no further pleadings in this matter. Plaintiff has failed to file his brief as ordered by this Court. Accordingly, it is recommended that plaintiff's complaint be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute. *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
UNITED STATES MAGISTRATE JUDGE

Dated: July 24, 2013